

Westfield-Washington Advisory Plan Commission held a meeting on Monday, September 20, 2010 scheduled for 7:00 PM at the Westfield City Hall.

Opening of Meeting: 7:00 PM

Roll Call: Note Presence of a Quorum

Commission Members Present: Robert Smith, Dan Degnan, Pete Emigh, Cindy Spoljaric (7:05), Steve Hoover, Bob Horkay, Danielle Tolan and Bob Spraetz (7:18).

City Staff Present: Matthew Skelton, Director; Kevin Todd, Senior Planner; Andrew Murray, Planner; and Brian Zaiger, City Attorney

Approval of the Minutes:

Motion to approve minutes of September 7, 2010 as presented.

Motion: Emigh; Second: Hoover; Vote: Pass by Voice Vote

Todd read the Rules of Procedures and the Rules of Conduct.

ITEMS OF BUSINESS

Case No.	1007-PUD-08
Petitioner	Hills Homes of Indiana, LLC
Description	Section 3D and Section 3E; Petitioner requests an amendment to the Oak Manor

PUD to allow single family detached homes on approximately 9.8 acres.

Todd reviewed the petition history stating that since the last meeting, the petitioner amended the proposal to prohibit vinyl and aluminum siding as exterior building materials. He further responded to the previous question regarding how square footage was calculated, stating that garages, porches, etc. do not count in the square footage calculation. Todd stated that this petition is eligible for a recommendation from the Commission tonight.

Hoover stated that there were several neighbors who spoke about issues, including vinyl siding, the architecture and the narrow look of the units and possible demographic changes with the detached units. He asked if the petitioner could comment on those points and if there had been any additional meetings trying to resolve these issues.

Mr. Glen Brehm, Hills Homes of Indiana, stated that the Division Manager met with some of the Oak Manor residents. He also stated that there are 104 single family lots in that subdivision which have not been platted at this time and these have been identified for single-family homes, noting that there will be some demographic differences between

1 existing and future sections of Oak Manor. However, he further stated that the number of
2 changes relative to what is being asked to do in 3D and 3E are minor. Additionally,
3 regarding the architectural style, Brehm stated they are still working on additional
4 elevations and several of those buildings are similar to the architecture of existing patio
5 homes.

6
7 Todd announced that there was one more public comment letter which had come in and
8 Skelton passed the letter out to the Commissioners.

9
10 Brehm shared various elevations stating that they are still in the process of developing
11 architectural elevations, but these are more contemporary, which they believe are similar
12 in character to the existing duplex buildings.

13
14 Smith asked staff if the architectural standards are set forth in the amended PUD.

15
16 Todd stated these pictures have not been included; there are standards in the PUD which
17 address siding materials and anti-monotony code, which prohibits the two dwellings with
18 the same front façade from being located next to each other.

19
20 Brehm commented that these are hardiplank and brick buildings. He further stated that
21 the patio homes in another section of the development have maximum garage frontage of
22 60% of the width of the building. However, the petitioner is asking for 66% for these
23 lots, since they are narrower lots.

24
25 Hoover asked if the petitioner would object to including the building elevations in the
26 PUD as examples of what the architecture would look like.

27
28 Brehm responded that they would not object to that.

29
30 Motion to send 1007-PUD-08 to the Westfield City Council with a positive
31 recommendation with the amendment that the elevations presented this evening will be
32 included as examples.

33
34 Motion: Emigh; Second: Spratz; Vote: 8-0

35
36
37 Case No. 1009-REZ-01
38 Petitioner Daniel DeLullo
39 Description 4160 State Road 32 West; Petitioner requests a Change in Zoning for
40 approximately 1.3 acres from SF-5 to General Business (GB) District.

41
42 Todd reviewed the petition which had its Public Hearing at the September 7, 2010 APC
43 meeting. He also discussed the uses being permitted on the property, stating that the staff
44 report includes a proposed use list that the petitioner submitted for review and discussion
45 this evening.

1
2 Smith asked staff their opinion on the submitted list.
3

4 Skelton responded that the petitioner had proposed some uses in the LB district based on
5 comments from the last meeting, but there are several institutional-type uses that would
6 never happen on a site this size. He also proposed this item be moved to the end of the
7 agenda to give the petitioner time to arrive for discussion. He further stated that staff has
8 a proposed list as well.
9

10 Smith moved this item to the end of the agenda.
11
12

13	Case No.	1009-DP-08 & 1009-SPP-02
14	Petitioner	Herman & Kittle
15	Description	680 Wendover Avenue; Petitioner Herman & Kittle requests a
16		Development Plan and Preliminary Plat Review for 132 multi-family
17		dwelling units, located on approximately 10 acres in the Maple Knoll PUD
18		District.
19		

20 Todd reviewed the petition stating that a Public Hearing was held at the September 7,
21 2010 meeting at which time there were several outstanding issues including landscaping,
22 lighting plans and questions regarding exterior building materials for the clubhouse. He
23 reported that all items have been addressed and the plans are compliant with the Maple
24 Knoll PUD. He further stated that there was discussion at the last meeting regarding
25 dressing up some of the exterior facades facing the Midland Trail. He said that staff had
26 a discussion with the petitioner after staff report was published regarding the potential of
27 sprucing up with shutters, bike racks, landscaping, etc. Todd also stated that there was
28 discussion regarding trail easement dedication, and Skelton had a conversation with the
29 petitioner regarding such. Todd recommended that the final plat be delegated to staff and
30 that a condition of approval be that the Westfield Public Works Department and the
31 Hamilton County Surveyor's Office be satisfied prior to receiving a building permit.
32

33 Ms. Erika Scott, Herman & Kittle Properties, discussed the concern about the buildings
34 that back up to the Midland Trail and what those elevations would look like. She stated
35 because there are no porches or balconies off the back of those buildings, they would like
36 to use shutters on the windows, and covered bike racks.
37

38 Spoljaric referenced a TAC letter from August 11, 2010 regarding the fire code and
39 access to the rear of the structure, asking if this had been addressed and if it changed the
40 plan.
41

42 Scott responded that there will be a temporary emergency access road for Phase I
43 development.
44

1 Hoover asked if it is acceptable to move this item to the next meeting so they could see
2 the plans for the rear of the buildings that are next to the trail.

3
4 Scott responded that this would not be a problem.

5
6 Skelton recommended voting tonight, since the plans comply with the ordinance.

7
8 Motion to approve 1009-DP-08 & 1009-SPP-02 with the following conditions:

- 9
10 • That all necessary approvals and permits be obtained from the Westfield Public
11 Works Department and the Hamilton County Surveyors Office prior to issuance
12 of a building permit;
13 • And that approval of the final plat be delegated to Community Development staff;

14
15 Motion: Spraetz; Second: Horkay; Vote: 8-0.

16
17
18 Case No. 1001-PUD-01
19 Petitioner Estridge Development Company
20 Description 800 Sycamore Street; Petitioner requests a change in zoning on
21 approximately 1,409 acres from the AG-SF1, SF-2 and Centennial North
22 PUD districts to the Symphony PUD District.

23
24 Skelton stated that since this project has been before the Commission, there have been
25 several modifications made to the proposed PUD. He also stated there were additional
26 emails received which will be distributed by Todd. Skelton referred the Executive
27 Summary and suggested going through the listed items.

28
29 Smith stated that one of the comments made is that the proposal is not necessarily
30 consistent with the Comprehensive Plan. He asked for some general comments from the
31 Commission about the relevance of the matter not being consistent with the overall
32 Comprehensive Plan.

33
34 Horkay stated that this is a tough call, and he has not thought through yet whether this
35 truly meets the intent of the Comprehensive Plan or not.

36
37 Spoljaric stated that when she reviewed the Comprehensive Plan for this area, it says that
38 it probably should not be this level of intensity. She added that part of the problem in
39 reviewing this project is because it is so large and because there are so many different
40 uses involved. She said that it is really tough because some things might be appropriate
41 and others might not. She stated that in a broad sense, she believes that the level of
42 intensity is not what was contemplated in the Comprehensive Plan.

43
44 Hoover commented that he struggles with how closely this fits with the Comprehensive
45 Plan; he believes that it is a stretch, and while not totally outside what was envisioned, he

1 believes that it is a stretch due to density and amount of commercial development. He
2 added that if the Comprehensive Plan is redone in the near future, then there may be
3 some shift in that direction.

4
5 Spoljaric stated that perhaps a development like this would have made a lot more sense in
6 a different area in the township at this point, and wondered if this does not detract from
7 the building up of those areas we had planned for with more of this kind of density.

8
9 Degnan commented that we see a lot of PUDs, though not of this scope and size. He
10 further stated that he is a little surprised as to the level of comment from individual
11 citizens with that in mind. He questioned that if the Comprehensive Plan is supposed to
12 be a reflection of the citizens, then where does that put us in the process.

13
14 Mr. Paul Estridge, Jr., Estridge Companies, reviewed changes and details to the proposed
15 project, including addressing the issue of the Comprehensive Plan. Estridge stated that
16 they used areas of the Comprehensive Plan as guidelines in their proposal. He stated that
17 Symphony is a plan more than a development; a plan for the future. First, he reviewed
18 the guidelines of Symphony, including: inter-generational community, focus on healthy
19 living, value and design, and community-centeredness. He stated that the design of
20 Symphony is based on exact verbiage and language taken from the Westfield
21 Comprehensive Plan. He added that the City's Zoning Ordinance is the basis for 80% of
22 the plan. He stated that Symphony is divided into three zoning districts. Estridge
23 committed that every single village would come before the Commission for each primary
24 plat.

25
26 Estridge reviewed public comments which had been addressed in the revision. He shared
27 additional changes which have been made at neighbors' requests since the last meeting,
28 including: the Laufter property being removed from Symphony, buffers being provided
29 according to the City standards, and the relocation of the YMCA over to Towne Road.
30 He continued, referencing comments from residents to the east side of Woodwind Golf
31 Course, stating that at their request, the homes have been moved from along the property
32 line over into the golf course. He added that concerns regarding a Towne Road
33 alignment have been addressed and some of the area of the golf course has been removed
34 so residents' impact would be minimized. He believes that 99% of all the comments
35 have been incorporated into the design.

36
37 Estridge then discussed items changed at the staff's request, including that the PUD
38 extensively defaults to the zoning ordinance. He further commented that as the City's
39 zoning ordinance changes over time, the PUD would change over time with it. He also
40 stated that the number of dwelling units has been clarified and limited and that the
41 maximum size of a single retailer has been established to prohibit big box retailers in the
42 commercial area. He said that definitions were clarified and added as requested and that
43 an explicit list of prohibited uses still needs to be developed.

44

1 He continued with a list of additional changes, including: gross floor area has been
2 changed to the measurement to gross leasable area; removal of language that the city does
3 not want to be tasked with enforcement of certain things; building height will be
4 measured in feet not stories; flexibility for WPWD to address street sections as conditions
5 dictate; restrictions on lot sizes, home sizes, and the quantity of home types by village.
6 He continued, stating that the encroachment language has been removed and that the
7 location of a trail head into commercial nodes within the residential district has been
8 located. He added that all parking and parking lot landscaping has now been deferred to
9 the City's standards.

10
11 Estridge then discussed the items being changed with respect to the Comprehensive Plan,
12 including: the intensity of commercial development, adding decorative period lighting,
13 landscape buffering, themes and trends, and land use diversity and balance. He also
14 showed examples of the cottage home category, the narrow lot category, and the house
15 lot category and discussed quantities of the types of homes. He said that he was asked to
16 amend the PUD so that all of Symphony would fit with Westfield's current zoning
17 ordinance..

18
19 Estridge believes that the economic impact of Symphony on the community is
20 phenomenal.

21
22 Hoover stated specific concerns regarding the architectural standards proposed in this
23 PUD. He added that there are a lot of words that sound wonderful, but the fact is that
24 most everything in there is subjective and open to interpretation. He expressed his
25 concern that over the fifteen years of developing Symphony, that new developers will
26 come in with all kinds of "stuff" and all we have is this PUD Ordinance to rely on. He
27 stated that he would like to see more detail, particularly for building material
28 requirements since as proposed there are no restrictions on any type of exterior materials,
29 roofing materials, or minimum masonry requirements, for example.

30
31 Estridge responded that vinyl siding which is most commonly used today has a 0.040
32 thickness. He stated that Estridge has always used a 0.055 thickness, with the exception
33 of their townhomes, which uses a thickness of 0.090. He proposed that Symphony would
34 allow a vinyl siding thickness of no less than a 0.090 on any home or any building, and
35 at no time would vinyl siding be allowed on more than 30% of the surface of the home.

36
37 Hoover asked for clarification on the reference to Greenbelt space, which is not defined
38 in the definitions section of the PUD.

39
40 Skelton responded that this term is in the City's Zoning Ordinance and Symphony
41 defaults to the City's definition for Greenbelt.

42
43 Estridge stated that over 35% of Symphony is Greenbelt or open space, including the golf
44 course and the YMCA fields.

45

1 Smith asked about the non-residential development standards, which state that there are
2 no minimums on lot size, lot width, or lot frontage.

3
4 Skelton responded that even in the City of Westfield's Zoning Ordinance, there are some
5 places where there are no minimum standards. He further commented that because of the
6 landscaping, drainage, and other requirements, lot sizes are created de facto.

7
8 Hoover asked about the development scheduling phasing section, referring to the
9 statement, "...all development phases will be fully supported by necessary infrastructure
10 and supporting amenities..." and asked if there is a way to tie down by phase or by
11 village when these amenities will be completed.

12
13 Spraeetz asked for clarification that the 600 square-foot homes are now 800 square feet.

14
15 Estridge responded that is correct, stating that the PUD allows for auxiliary buildings to
16 be less, forcing architectural diversity.

17
18 Spoljaric stated that she has a problem with having the attached units having the ability to
19 have the accessory dwelling units and she does not see how that is workable in most
20 cases. She said that she sees problems when, with the attached-nature of the project,
21 people are moving in and out. She also commented that there does not seem to be any
22 standards for the amount of accessory dwelling units allowed.

23
24 Estridge believes this was addressed previously. He stated that the number of accessory
25 dwelling units was included in the overall total maximum amount of residential units for
26 the entire Symphony project.

27
28 Estridge stated that he does not intend for accessory buildings to be allowed in multi-
29 family areas.

30
31 Spoljaric stated that the PUD currently allows that.

32
33 Estridge stated that it is the intent that no more than a certain percentage of the homes in
34 any given village would be allowed to have an accessory building unit.

35
36 Skelton stated that they are going to be platting the villages in their entirety and at that
37 time is when we will know exactly what kinds of lots will be developed, exactly what use
38 will be there, and how much parking will be in each village.

39
40 Spoljaric stated that she was confused because the ordinance is not set up in a manner
41 where standards are established for the individual villages.

42
43 Estridge asked if the Commission wanted to know exactly what type of homes will be
44 built in specific areas.

45

1 Spoljaric responded affirmatively, stating that on some level, we need to know what
2 those will be.

3
4 Emigh left the meeting around 9:30 p.m.

5
6 The Commission took a brief recess.

7
8 President Smith opened the meeting up to public comments.

9
10 Mr. Zeph Weiss, Ice Miller, representing the Laufters, stated that Mr. Estridge suggests
11 that they accommodated us. He stated that the fact is, they have no right to include us
12 and we asked them to remove it because the City ordinance says they can't. He further
13 stated that Estridge and the City were sent a proposal regarding buffering the Laufter
14 property. He noted that the proposal was applicable to not only client's property, but to
15 the entire development. He pointed out several issues in the new ordinance which should
16 be reviewed, including the fact that the commercial area that can have 265,000 square
17 feet of commercial use, the fact that there is no limit on the height of the lights, and the
18 fact that there is no limit on location of signage. He continued, stating that Estridge could
19 place illuminated signs right next to his client's property. He stated that Estridge planned
20 to surround his client's property with commercial. He went on to say that Estridge was
21 planning to use Laufter's property as their buffer (Section 5.1a(ii)). He mentioned that he
22 sent Estridge a letter with a detailed list of requests dated August 12, 2010 and had not
23 heard a response from them. Weiss added that there are no standards as to what they can
24 build, when they can build it, how loud it will be, etc. He believes this is very
25 unreasonable and they have not dealt with signage, lighting, noise, or parking.

26
27 Mr. Bruce Watson, a resident of Centennial South, stated that he was going to come to
28 object to cottage homes being built behind his property, but as a result of recent
29 conversations he made the comment that if he had a preference between the cottage style
30 homes or the multi-family homes, he would probably choose the multi-family homes
31 even though his preference is really to have single family homes built there similar to
32 homes already in Centennial South. He stated that this is what we were lead to believe
33 when we bought our homes that if the Estridge Companies was able to purchase that
34 property, it would developed similarly to the surrounding community.

35
36 Mr. Jamie Cartiss responded to Estridge's comment about this project being in the spirit
37 of the Comprehensive Plan because it is less dense than the PUDs to the north. He
38 expressed his concern with this, noting that we have a lot of PUDs not being built, and at
39 some point the economy is going to get better and they are all going to start building at
40 the same time. He expressed concern that there is a lot of density that will be built and
41 when it is all being built at the same time, the residents will be paralyzed because of it.
42 He further stated that he was bothered by the golf course being considered open space,
43 noting that if it is private property, it is not open space.

44

1 Ms. Tammy Gabriel asked the Commission to keep a mindful, watchful eye on this whole
2 project. She asked exactly where the City intends to get the \$70,000,000 Mr. Estridge is
3 looking for.

4
5 Mr. Russell Cameron, 4089 East 161st Street, disclosed that he is running for Mayor of
6 Westfield. He expressed his concern regarding the impact on the schools. He stated that
7 he has spoken with Dr. Keen and Mr. Verhoff of the Westfield-Washington School
8 District and believes that there is some unrealistic data being used to talk about school
9 impact. He further expressed disappointment that a subcommittee has not been appointed
10 to review this project. He also commented that he believes there is a conflict of interest
11 in this case because Krieg Devault has represented the Estridge Company and Mr.
12 Estridge on other matters.

13
14 Ms. Tracy Pielmeyer stated that she has learned several things recently which alarm and
15 anger her and motivated her to come and ask for the complete denial of the Symphony
16 PUD. She stated that we should be encouraging development where we have already
17 invested in infrastructure for it, i.e. Eagle Station, Ackerson Farms, Westgate and Aurora.
18 She further stated that by approving a new development, the Commission would be
19 undermining the ones that have already been improved with infrastructure and are costing
20 the Westfield citizens. She also stated that she learned that the City of Westfield is
21 paying around \$600,000 per year in interest on bonds for the infrastructure that was
22 installed for developments that have not even been started. She asked why we would
23 encourage more sprawl by approving something new; noting that there is enough land
24 already zoned and ready to start anything. She commented that the Plan Commission
25 thought Ackerson Farms, Eagle Station, Westgate and Aurora were all good
26 developments, but they have not started yet. She asked the Plan Commission why they
27 think Symphony would fare any better. She asked why we don't encourage Mr. Estridge,
28 or anybody else, to start building the already-approved projects. She stated that she also
29 learned recently that Viking Meadows was re-possessioned and that Pulte is petitioning the
30 City to reduce those zoning standards so they can build their level of homes; she
31 cautioned that once zoning standards are dropped, there is no going back. She went on to
32 state that she has learned that August 2010 set a new record of home foreclosures and that
33 experts think that trend will continue throughout 2011. She asked the Plan Commission
34 to act with wisdom.

35
36 Mr. John Kimple lives in Centennial South, right by the travelling YMCA. He stated that
37 the community spoke and the Commission listened and Estridge was kind enough to
38 listen and everyone was very, very happy. He stated that yesterday they found out the
39 YMCA was being moved someplace else. He went on to say that when this whole thing
40 started, he was very concerned about that area. He conveyed a previous conversation
41 with Estridge regarding placing homes at the northeast corner of Ditch Road and 146th
42 Street, reporting that Estridge said that people would not buy a home next to a six or eight
43 lane road. He spoke to the fact that the multi-family homes in Centennial are located on
44 the north end of the project, not the southern end of the project. He further commented

1 that whatever goes in that corner will affect the resale value of his and his neighbors
2 homes.

3
4 Mr. Scott Presley, Centennial resident, stated that he is all for Westfield growing, but
5 noticed that Symphony is one company's vision. He stated that it does not feel like our
6 City's vision. He commented about the changes in Centennial South over the past few
7 years. He said that he would like to see the City's vision for the area instead of
8 Estridge's vision.

9
10 Ms. Sharon Foyer, Estridge homeowner for twelve years, commented that for eleven
11 years has been dealing with leaks and mold in her home. She spoke regarding the
12 accountability of Estridge and believes that her house was not made using quality
13 materials. She stated that she cannot sell her house because of the mold problem.
14 Estridge stated this is the first he has heard about the school impact data.

15
16 Smith stated that it would be helpful to have a statement from the Westfield-Washington
17 School District Superintendent in the file since this has come up on blogs and emails,
18 noting that it would be nice to have the facts.

19
20 Spoljaric stated that they have not seen the traffic impact analysis.

21
22 Skelton stated this can be made available to the Commission.

23
24 Smith requested a current redline copy for the Commissioners.

25
26 Spoljaric stated that she is still not seeing adequate buffer yards or transitional uses.

27
28 Degnan stated that he believes he would not support a vote tonight, but would feel more
29 comfortable not setting a timeline and working through some of these issues in a different
30 way. He also encouraged the public to email their comments. He asked what level of
31 detail they are going to get into as we move forward in these meetings.

32
33 Estridge stated his support of Degnan's comments and said one of the things apparent
34 tonight is the lack of knowledge and awareness of information that has been agreed to.
35 He stated that there were some things misstated that are clear in the PUD, and that they
36 have defaulted to this City's standards for buffering, so if there's an issue with buffers,
37 it's the City's standards that is an issue.

38
39 Hoover agreed that timeframes should not be set at this point and that there are clearly
40 still a lot of issues that need to be resolved, including not allowing accessory dwelling
41 units on cottage or narrow lots. He stated that this is one commitment that was made at a
42 previous meeting, but it has not been incorporated into the PUD. He further stated that
43 this is important because some of those cottages are accessory dwelling units themselves,
44 so this is just another item that needs to be cleaned up so we get what was intended.

1 Smith charged the Commission with the task of emailing comments to Community
2 Development staff as soon as possible with the concerns identified and notes taken so
3 they have them in hand.

4
5 Skelton offered to work with Commission members one-on-one if they so desire. He also
6 offered to go through and identify every issue raised tonight and provide commentary on
7 those.

8
9
10 Case No. 1009-REZ-01
11 Petitioner Daniel DeLullo
12 Description 4160 State Road 32 West; Petitioner requests a Change in Zoning for
13 approximately 1.3 acres from SF-5 to General Business (GB) District.
14

15 Motion: To table 1009-REZ-01 to October 4.

16
17 Motion: Spoljaric; Second: Horkay; Vote: Passed by Voice Vote
18

19
20 **ADJOURNMENT** (9:51 p.m.)
21

22 Approved (date)
23
24

25 _____
26 President, Robert Smith, Esq.
27
28

29 _____
30 Vice President, Cindy Spoljaric
31
32

33 _____
Secretary, Matthew S. Skelton, Esq., AICP